

## **REMARKS**

Claims 91, 94, 100-108, 110-113, 133-141, and 143-146 are pending. Claims 92, 93, and 142 are cancelled without prejudice or disclaimer.

Please enter the amendments to claims 91, 103, and 133. Support for these amendments is found, for example, on page 8, line 26 through page 9, line 6 and on page 17, line 28 through page 18, line 5 of the as-filed application. These claims are also amended to clarify the claims. No new matter has been added. Applicant believes that the amendments place the claims in condition for allowance, or at least simplify the issues for appeal.

Please enter the amendments to claims 100, 104, 105, 110, 134, 135, 139, and 143. These amendments clarify the claims or correct the antecedent basis of the claims.

The remaining claims are unchanged.

## **Interview Summary**

Applicant thanks the Examiner and his supervisor for the courtesy of the 04 March 2010 interview with Applicant's undersigned representatives. The rejections of the independent claims, specifically claim 91, and the Acres, McArthur, and Miura references were discussed. Applicant's attorneys proposed an amendment of changing a selection of gambling games in response to a time signal. The Examiner indicated that this feature was novel based on the cited prior art, but stated that the feature must be distinguished over the description in Miura. No further agreement was reached.

## **Claim Rejection – 35 U.S.C. § 103**

Applicant respectfully requests that the Examiner withdraw the outstanding rejection in view of the amendments and the following remarks. Reconsideration is respectfully requested.

### **Rejection, page 2**

Claims 91-94, 100, 103-108, 110, 111, 133-139, 142, and 143 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,254,483 (Acres) in view of UK Patent Application GB 2 211 875 A (McArthur).

Claim 91, as amended, recites an electronic gaming unit with a controller being programmed to:

receive a signal from the input device indicating the gambling game to be played from a selection of gambling games available to be played, wherein the signal is generated in response to input;

display a sequence of images on the display unit, the sequence of images representing a gambling game;

receive the time signal from the time generator when the electronic gaming unit is operational;

change the selection of gambling games available to be played in response to the time signal when the electronic gaming unit is operational, thereby changing the selection of gambling games available to be played by the controller without requiring additional input;

change a minimum bet to be inputted via the input device for the selected gambling game in response to the time signal when the electronic gaming unit is operational, thereby changing the minimum bet by the controller without requiring additional input;

change a payout percentage for the electronic gaming unit in response to the time signal when the electronic gaming unit is operational, thereby changing the payout percentage by the controller without requiring additional input;

change a brightness of the display unit in response to the time signal when the electronic gaming unit is operational, thereby changing the brightness by the controller without requiring additional input;

change a theme of the selected gambling game in response to the time signal when the electronic gaming unit is operational, thereby changing the theme by the controller without requiring additional input;

determine, after the sequence of images has been displayed, an outcome of the selected gambling game represented by the sequence of images; and

determine a currency payout associated with the outcome of the selected gambling game. (Emphasis added.)

As explained on page 17, line 28 through page 18, line 5 of the as-filed application, changing the games available to be played in response to the time signal allows a gaming establishment operator to allow profitable games to be played at times when the gaming establishment is expected to be crowded, and to allow other games to be played, in order to attract more customers, at times when the gaming establishment is not expected to be crowded.

Acres describes electronic gaming machines that are interconnected by a computer network. (Abstract.) Commands issued in response to predetermined changes in variables, including time, change the behavior of each gaming machine. (Abstract.) While Acres represents a significant advance in the technology, Acres does not appear to suggest that a gambling game may be selected “from a selection of gambling games available to be played” or changing “the selection of gambling games available to be played in response to the time signal,” as recited in claim 91.

McArthur describes a gaming machine in which its operation may be altered according to the time at which the machine is being operated. (Abstract.) In McArthur, the

chance of payment being made by the machine in a game, the value of payments made by the machine to a player, the value of payments made per game by a player to the machine, and the average duration of a game may be altered. (Page 6, lines 11-17.) McArthur, however, does not describe that a gambling game may be selected “from a selection of gambling games available to be played” or changing “the selection of gambling games available to be played in response to the time signal,” as recited in claim 91.

U.S. Patent No. 6,354,943 (Miura) describes a game system and information storage medium which can improve the operating rate of a game center and realize a more effective management therein. (Abstract.) Miura further describes the allocation of games to gaming machines. (Abstract.) The allocation of games may depend on time periods, date, or a traffic line of players. (Abstract.) As shown in Figure 3 and explained in col. 5, line 55 through col. 6, line 6, only one game is allocated to a gaming machine for a given time period. Thus, while the games that may be played on a gaming machine in Miura do change over time, there is only a single game available for play at a gaming machine at a time. In contrast, claim 91 recites changing “the selection of gambling games available to be played in response to the time signal.”

Therefore, the Office Action fails to show that Acres, McArthur, and Miura, considered alone or in combination, suggest or teach the features recited in claim 91. Claim 91 is not obvious for at least this reason. Independent claims 103 and 133 recite similar features, and are also not obvious for at least the same reason.

The above-referenced dependent claims incorporate the features of the claims on which they are ultimately based. These dependent claims are not obvious for at least the same reasons the independent claims are not obvious.

### **Rejection, page 6**

Claim 144-146 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Acres in view of McArthur in further view of JP 10-263190 (Yasukawa).

Yasukawa describes a game machine for which maintenance is not scheduled during peak hours. Yasukawa, however, does not describe changing the features of a gaming machine “in response to the time signal,” much less changing “the selection of gambling games available to be played in response to the time signal.” (Claim 91.) Therefore, Yasukawa does not repair the deficiencies noted above with respect to Acres and McArthur.

Dependent claims 144-146 incorporate the features of the claims on which they are ultimately based. These dependent claims are not obvious for at least the same reasons the independent claims are not obvious.

## **Rejection, page 7**

Claims 101, 102, 112, 113, 140, and 141 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Acres in view of McArthur in further view of Miura.

The combination of Acres, McArthur, and Miura is addressed above. Dependent claims 101, 102, 112, 113, 140, and 141 incorporate the features of the claims on which they are ultimately based. These dependent claims are not obvious for at least the same reasons the independent claims are not obvious.

## **Conclusion**

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorneys at (510) 663-1100.

Applicant does not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P492C1).

Respectfully submitted,

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